

A BILL

To amend Title V of the Federal Property and Administrative Services Act of 1949 to incorporate therein provisions relating to the disposal of certain records of the United States Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, is further amended as follows:

(a) By renumbering sections 508-511, inclusive, of such Act, as sections 509-512, respectively.

(b) In section 506(a) of such Act, by deleting "the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434)" and inserting in lieu thereof "section 508 of this title".

(c) In section 509(a) of such Act, as renumbered by subsection (a) of this section, by deleting "and the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat 434)".

(d) By inserting immediately after section 507 of such Act, the following new section:

"DISPOSAL OF RECORDS

"Sec. 508. (a) The Administrator shall promulgate regulations, not inconsistent with this section, establishing (1) procedures for the compiling and submitting to him of schedules of records proposed for

disposal, (2) procedures for disposal of records authorized for disposal, (3) standards for the reproduction of records by photographic, microphotographic, or other processes with a view to the disposal of the original records, and (4) standards for selective retention of records of continuing value as provided in section 505(b) of this Act. Such regulations shall be binding on all agencies of the United States Government.

"(b) The head of each agency of the United States Government shall submit to the Administrator, in accordance with regulations promulgated as provided in subsection (a) of this section schedules proposing the disposal immediately or after specified periods of time of records of a specified form or character that either have accumulated in the custody of the agency or that may accumulate therein at any time after the submission of such schedules and that in his opinion do not, or will not after the period specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government.

"(c) The Administrator shall submit to Congress, at such time as he shall deem expedient, schedules submitted to him in accordance with the provisions of subsection (b) of this section, or parts of such schedules, insofar as it shall appear to the Administrator on the basis of a professional archival appraisal, that the records listed in such schedules or parts thereof do not, or will not after the period

specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the United States Government.

"(d) The Administrator may cause to be prepared and submitted to the head of any agency of the United States Government schedules proposing the disposal immediately or after specified periods of time of records created in such agency of a specified form or character, including records theretofore deposited with or transferred to the General Services Administration, that either have accumulated or that may accumulate at any time after the submission of such schedules, and that, in the opinion of the Administrator on the basis of a professional archival appraisal, do not, or will not after the period specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government. If after consultation the Administrator and the agency head are unable to reach agreement as to any schedule prepared by the Administrator pursuant to this subsection (d), or modifications thereof, the Administrator may submit such schedule, together with such statements of their respective positions as he and the agency head may desire to submit, to the Federal Records Council for its advice and recommendations. The Council may make such further inquiry as it deems necessary and shall notify the Administrator and the agency head concerned of its advice and recommendations. The Administrator may thereupon

submit such schedule, together with the statements of position of the Administrator and the agency head and the recommendations of the Federal Records Council, to Congress.

"(e) The Administrator may also submit to Congress, at such times as he may deem expedient, and without regard to the provisions of subsection (d) of this section, schedules proposing the disposal, after specified periods of time, of records of a specified form or character common to several or all agencies that either have accumulated or may accumulate in any agency or agencies and that, in the opinion of the Administrator on the basis of a professional archival appraisal, do not, or will not after the periods specified have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government: Provided, That authorizations granted with respect to such schedules pursuant to subsections (f), (g), and (h) of this section shall be permissive and not mandatory.

"(f) Whenever the Administrator shall submit schedules to Congress, it shall be the duty of the presiding officer of the Senate to appoint two Senators who, with the members of the Committee on House Administration of the House of Representatives, or such members thereof as may be designated for the purpose, shall constitute a joint committee to which all such schedules shall be referred, and the joint committee shall examine such schedules and submit to the Senate and House of

Representatives, respectively, a report of such examination and its recommendations.

"(g) If the joint committee reports that any of the records listed in a schedule reported to it do not, or will not after the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, the Administrator shall notify the agency or agencies having such records in their custody of the action of the joint committee and such agency or agencies shall cause such records to be disposed of in accordance with regulations promulgated as provided in subsection (a) of this section.

"(h) If the joint committee fails to make a report during any regular or special session of Congress on any schedule submitted to Congress by the Administrator not less than ten days prior to the adjournment of such session, the Administrator may empower the agency or agencies having in their custody records covered by such schedules to cause such records to be disposed of in accordance with regulations promulgated as provided in subsection (a) of this section.

"(i) Whenever it shall appear to the Administrator that any agency has in its custody, or is accumulating, records of the same form or character as any records of the same agency previously authorized by Congress to be disposed of, he may empower the head of such agency

to dispose of such records, after they have been in existence a specified period of time, in accordance with regulations promulgated as provided in subsection (a) of this section and without scheduling them.

"(j) Records pertaining to claims and demands by the Government of the United States or against it, or to any accounts in which the Government of the United States is concerned, either as debtor or creditor, shall not be disposed of under any authorizations granted pursuant to the provisions of subsections (f), (g), and (h) of this section until such claims, demands, and accounts have been settled or adjusted in the General Accounting Office, except upon written approval of the Comptroller General of the United States.

"(k) Whenever the Administrator and the head of the agency that has custody of them shall jointly determine that any records in the custody of any agency of the United States Government are a continuing menace to human health or life or to property, the Administrator shall cause such menace to be eliminated immediately by whatever method he may deem necessary. If any records in the custody of the Administrator are disposed of under this section, the Administrator shall report the disposal thereof to the agency from which they were transferred.

"(l) At any time during the existence of a state of war between the United States and any other nation, or when hostile action by a foreign power appears imminent, the head of any agency of the United States

Government may authorize the destruction of any records in his custody that cannot otherwise be effectively disposed of under statutory provisions and that are (1) situated in any military or naval establishment, ship, or other depository outside the United States when the retention of such records would be prejudicial to the interests of the United States or (2) situated within the United States when the retention of such records would imperil the security of the United States: Provided, That the official who directed the disposal thereof shall submit a written report thereon to the Administrator in which he shall describe the character of such records and state when and where the disposal thereof was accomplished.

"(m) Photographs, microphotographs, or other reproductions of any records made in compliance with regulations promulgated as provided in subsection (a) of this section shall have the same force and effect as the originals thereof for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs, microphotographs, or other reproductions shall be admitted in evidence equally with the original photographs, microphotographs, or other reproductions.

"(n) All moneys derived by agencies of the Government from the sale of records authorized for disposal under the provisions of this section shall be paid into the Treasury of the United States unless otherwise required by existing law applicable to the agency.

"(o) The procedures described in this section are exclusive and no records of the United States Government shall be alienated or destroyed except in accordance with the provisions of this section.

"(p) The provisions of section 602(d) of this Act shall not be applicable to this section."

Sec. 2. Section 512(a) of the Federal Property and Administrative Services Act of 1949 (as amended by 64 Stat. 589; 44 U.S.C. 401 (a)), as renumbered by section 1(a) of this Act, is hereby amended to read as follows:

"(a) The term 'records' includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the term 'records' as used in this title."

Sec. 3. The Act of July 7, 1943, 57 Stat. 380, as amended (44 U.S.C. 366-380), is hereby repealed.